

09/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7023A

NAME AND ADDRESS: BLAINE SMITH
2082 W 5200 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
70.000 AFY

PRIORITY DATE: 06/26/1969

POINT OF DIVERSION:

T05N R40E S19 NENWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.400 CFS

70.00 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S18 SESW 20.0

20 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

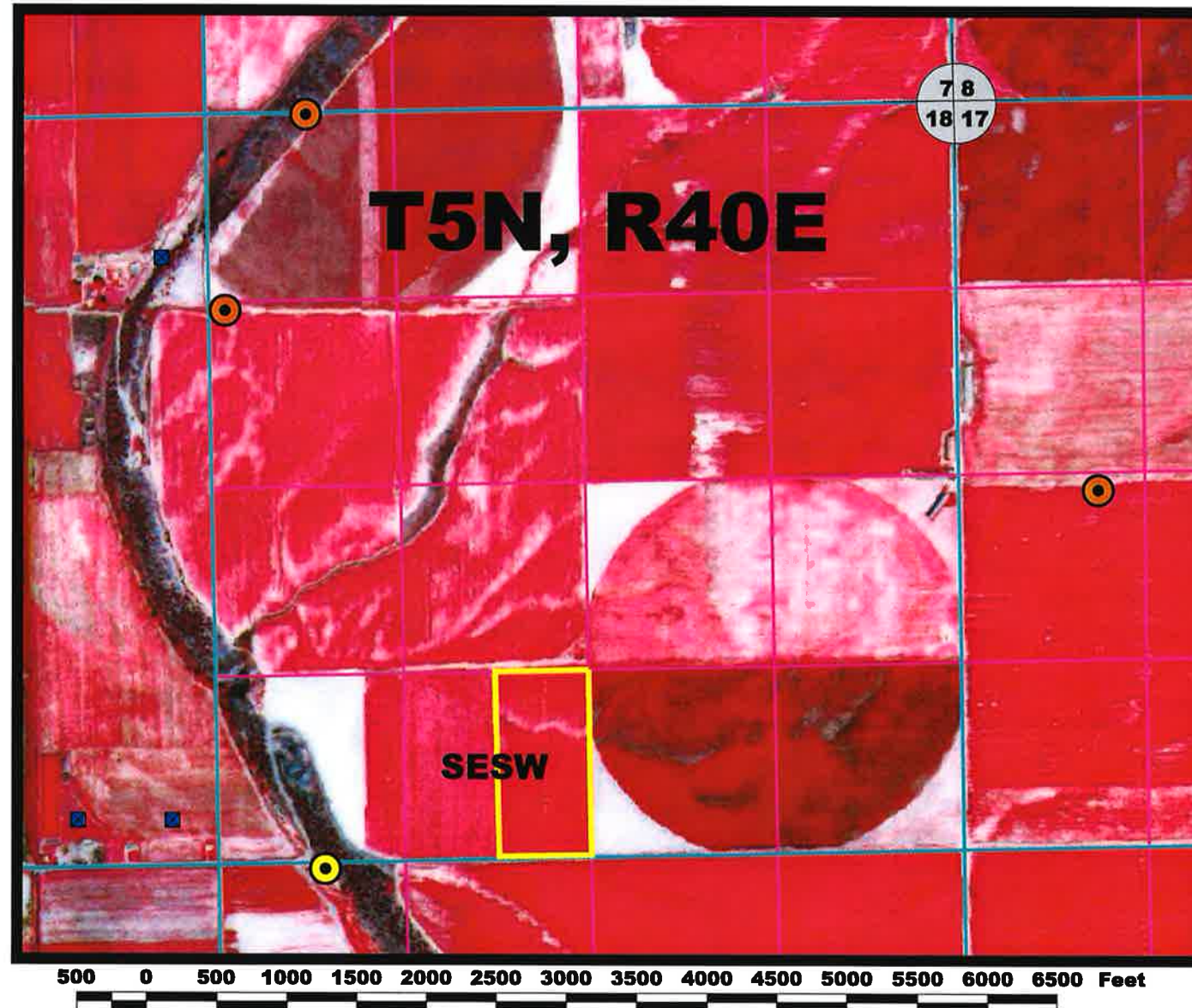
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-7023A

Point(s) of Diversion:
T5N, R40E
Sec. 19 NENWNW

Place of Use: (parts of)
T5N, R40E
Sec. 18 W2SESW

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

OK
jc
5/23/05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-7023A	N			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Blaine +/or Garry Smith
2082 W. 5200 South Rexburg, ID

4. New Owner/Claimant(s)

Blaine Smith

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2082 W. 5200 South

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-3510

5. Date you acquired the property

1991

PROFILED

SCANNED
JUN 28 2005

COMPLETED

5/25/05
KMT

RECEIVED
MAY 05 2005

Department of Water Resources
Eastern Region



File Number: 5-13027-L

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

QUITCLAIM DEED

For Value Received

DON SMITH AND SONS, INC.

do(es) hereby convey, release, remise and forever quit claim unto

BLAINE SMITH AND MARSHA SMITH, husband and wife

whose current address is

**2082 WEST 5200 SOUTH
REXBURG IDAHO 83440**

the following described premises, to wit:

THE E1/2 OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO

TO HAVE AND TO HOLD the said premises, unto the said grantee(s) **their** heirs and assigns forever together with their appurtenances and any hereinafter acquired title.

Dated: November 10, 1998

*Don Smith & Sons by
Blaine Smith*

Don Smith and Sons, Inc., by Blaine Smith

On this 10th day of November, 1998
before me, a Notary Public in and for said State, personally
appeared

Blaine Smith

known to me to be the President of the corporation that executed
this instrument or the persons who executed the instrument on behalf of said
corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, the day and year in this certificate first above written.

Alison Banta

Notary Public,

Residing at *Anthony*
Comm. Expires *11-23-99*

ALISON BANTA

NOTARY PUBLIC, STATE OF IDAHO
COMMISSION EXPIRES: 11-23-99

qcd-sl,for
10/31/96

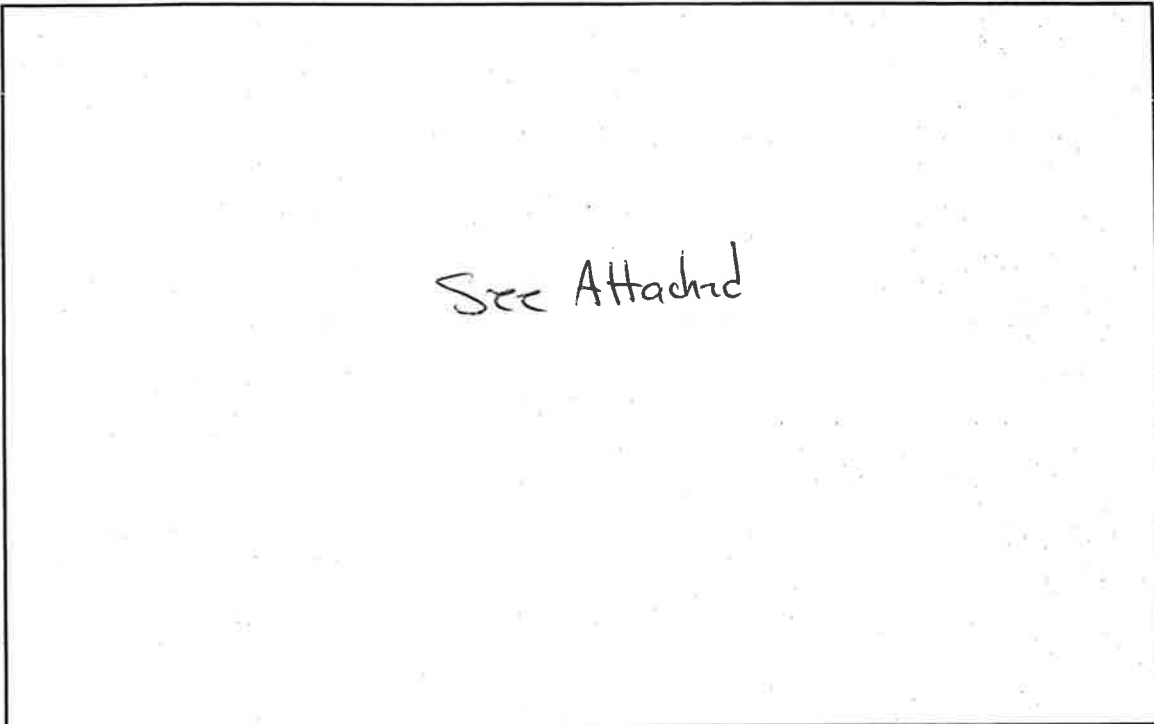
Microfilm No. **275111**
Day NOV 12 1998
At 1002 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 3- Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

SCANNED

JUN 28 2005

PROFILE

Water Right No(s). A22-7023A + A22-7023B



GPS DATA:

Tag # A 0000276 Location: on power pole
GPS data - 2676928 GPS file - 227023
1397455

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: G.E. Model: _____ Hp: 50
SN: BEJ226387

PUMP

Make: Johnston Model: _____ Disch: _____
SN: NA

NOTES:

owner of claim A22-7023A is Blaine Smith, only. He was given
a change of ownership form. Fixed

Field Exam Date: 5-3-2005 Agent: H.W. Jones

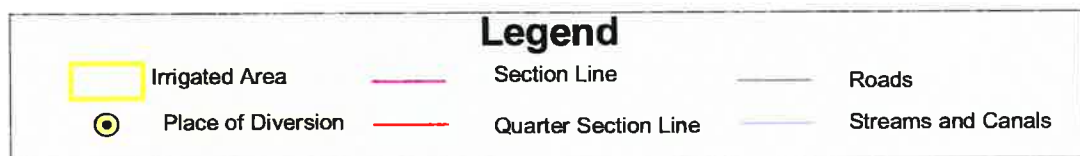
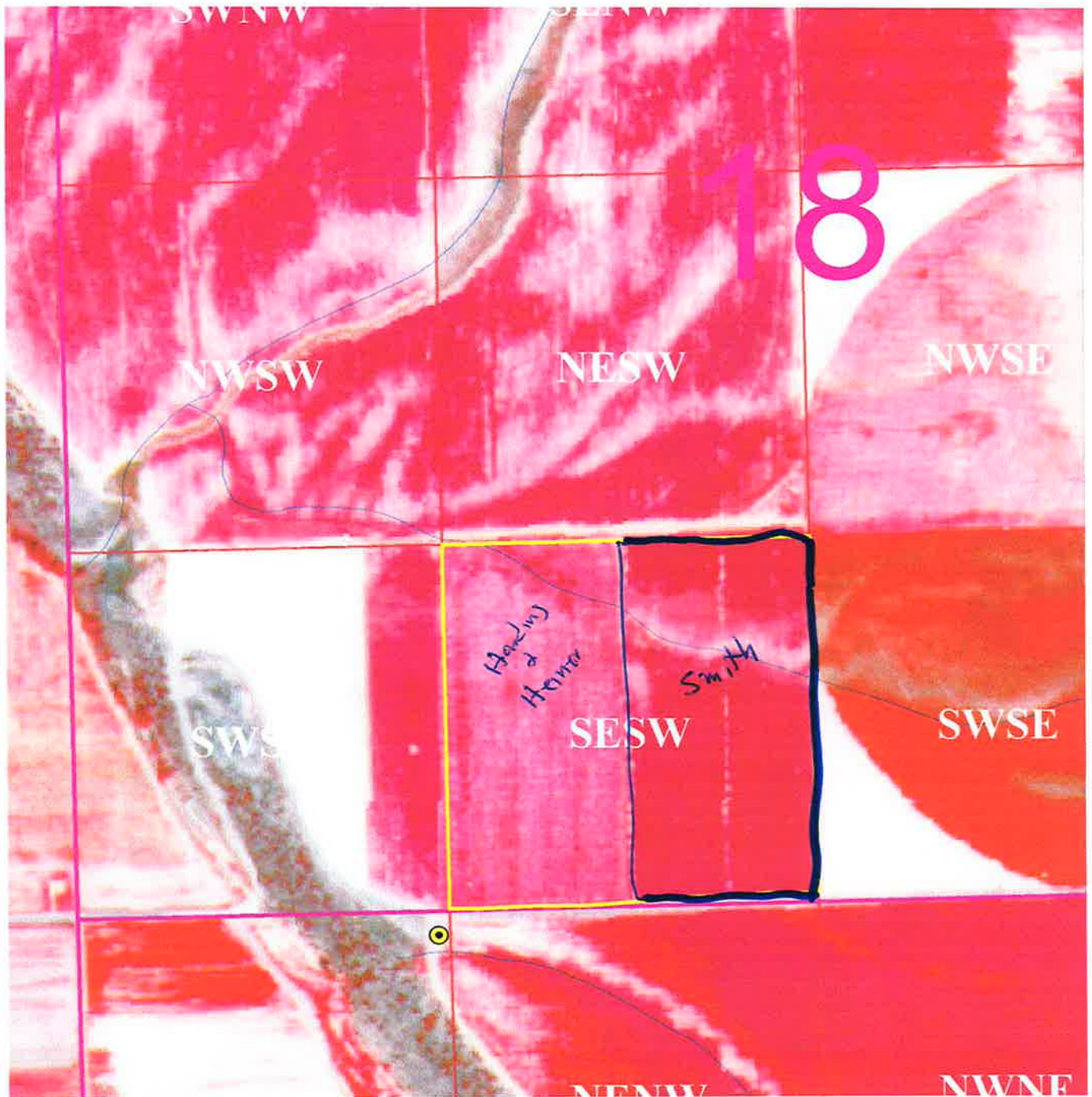
lie son 4/1 to 10/15 - but son remark



A22-7023A + A22-7023B, Looking West



A22-70234 + A22-70233 motor tag



SPATIAL
DYNAMICS

227023



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 22-7023 Priority June 26, 1969 Amount 0.80 cfs

THIS IS TO CERTIFY, that Garry Smith & Blaine Smith
of Rexburg, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit
No. 22-7023 issued pursuant to Application for Permit dated June 26, 1969,
and has submitted proof to the Department of Water Administration on September 1, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.80 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.80 cfs for Irrigation from April 1 to Oct. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.80 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, Twp. 5 N, Rge. 40 E, B. M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 140 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	40 E	18												40					40

Total number of acres irrigated 40

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

May, 19 73.


Director

22 7023

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Garry Smith and Blaine Smith
Post office address Route 1, Rexburg, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 1.0 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 1 to October 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 30 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5 N/S, Range 40 E/W, B.M., Section 19, Subdivision NW 1/4 NW 1/4, Madison County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: 50 h.p. motor, 12" casing, 233' deep.

Measuring device required: yes ☒ no ☐ Metraflex flow meter, Model 23

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	40E	18												✓ x					40

22 7023

TOTAL ACREAGE 40

Permit No. 22-7023
Examination for B/U

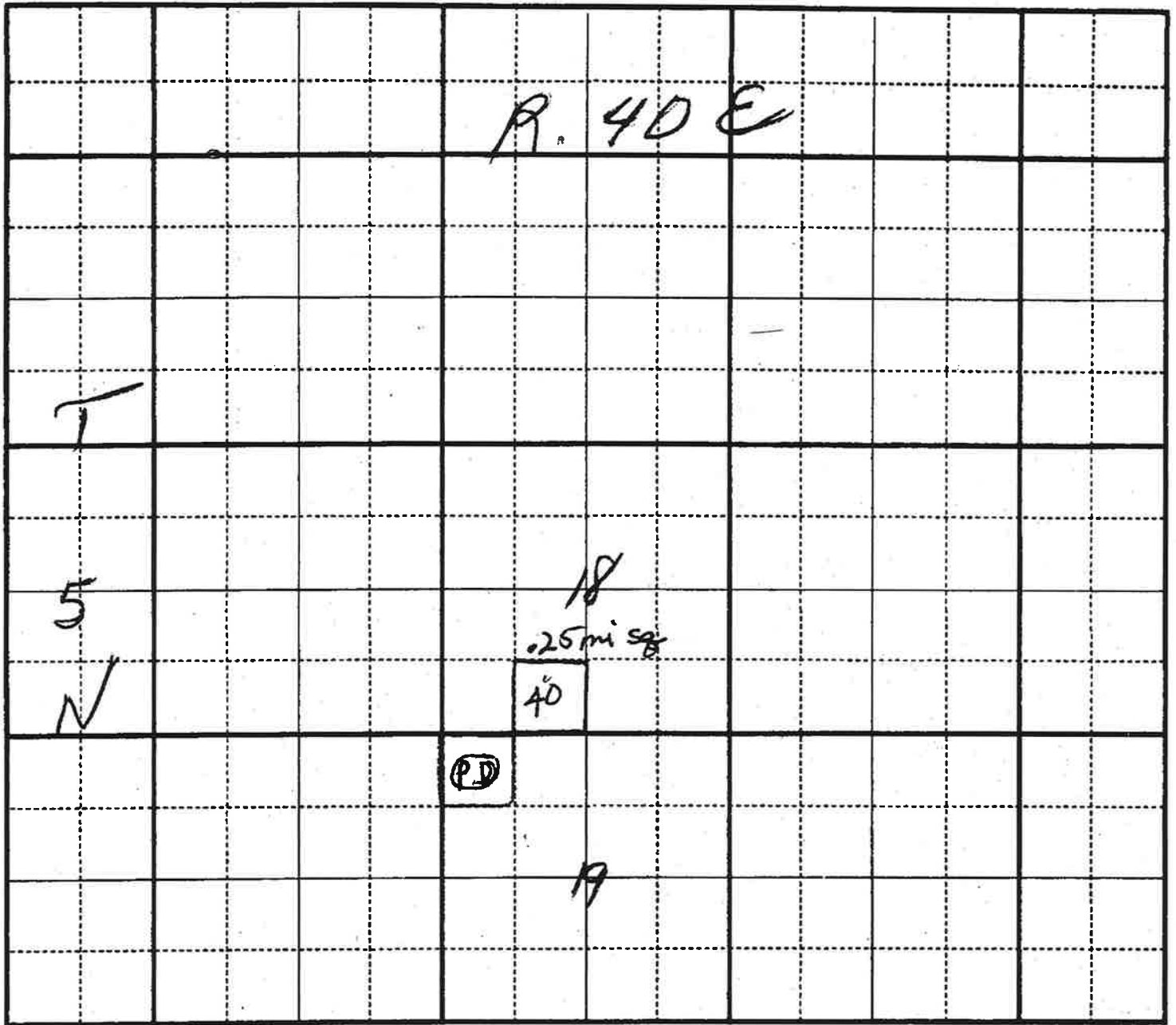
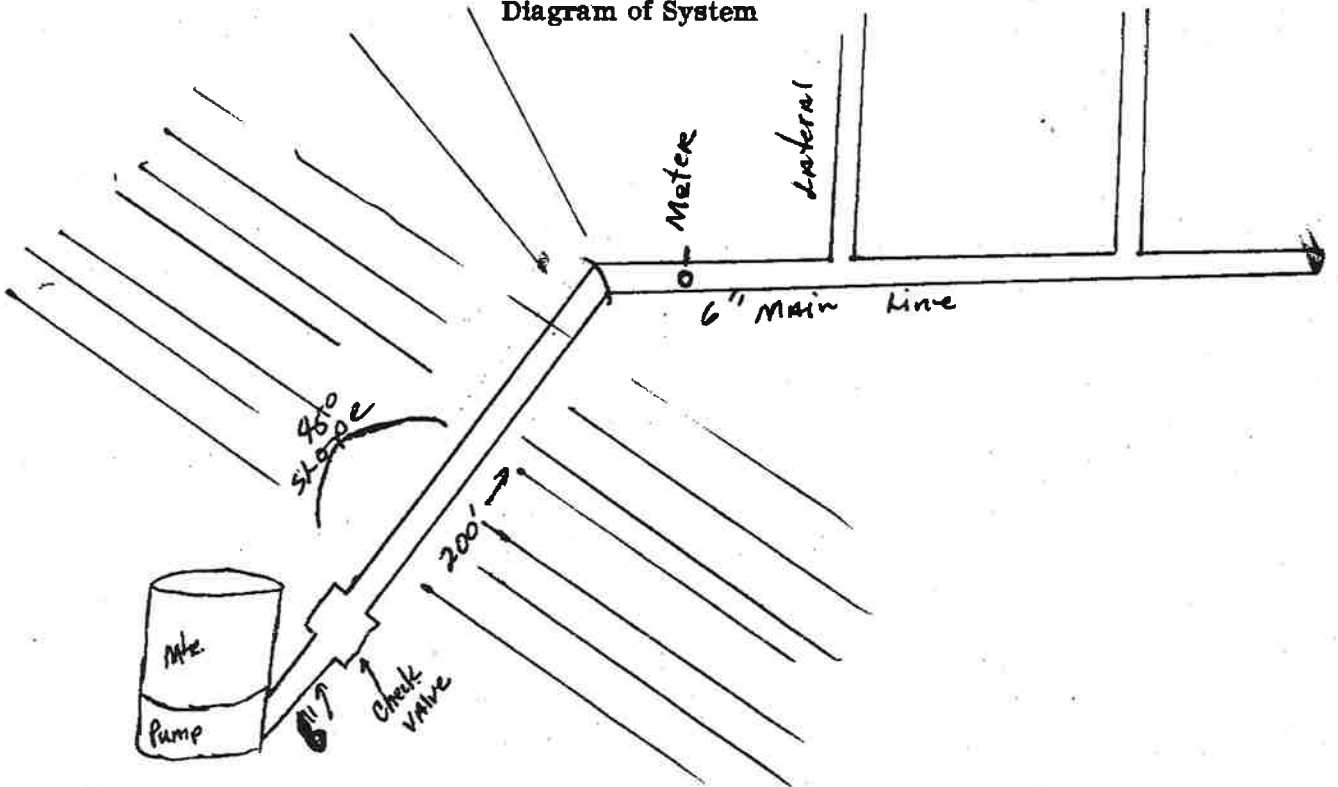


Diagram of System



DATE OF EXAM August 12, 1972

ACREAGE

Found 40
Recommended 40

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = .80 c.f.s. V = 140 AF/Ann. from April 1 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. N/S Rge 174 E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. N/S Rge 174 E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Point of infection: _____
twp. N/S Rge E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. N/S Rge E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Total Q measured .80 cfs Method of measurement pitoto Ser # A-208

Total Q recommended .80 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 140 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

60 psi Avg pressure 3/32 nozzle (30 w/s) = 5.44 gpm (66 heads) = 359.0 gpm
359.0 gpm = .8 cfs
148.8
(2004 w/s) (.80) (1.983500) = 317 AF/Ann

SYSTEM DESCRIPTION:

GE Pump Motor Model 5K6248X 44A 50Hp Ser# BFJ226387
Johnston Pump Ser# 103

REMARKS:

20 ac potatoes 20 ac Barley
System shown by owners
Metrastex flow meter installed & indicates 430 gpm

Examiner's Signature William R. Phoad Date Aug 12, 1972

Checked by Norman C. Young, P.E. Date 11-8-72

Approved by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

22-2250
21-10039
22-7023B
22-7023
22-7023A

GARRY SMITH
1829 S MEADOWVIEW AVE
REXBURG ID 83440

SMITH 829 834402005 1204 04 03/05/04
RETURN TO SENDER
SMITH
1292 MEADOWVIEW AVE
REXBURG ID 83440-5080
RETURN TO SENDER

83440X383#P112/9933



TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	18	SESW	20	40	POD placement? / Indiscernible
Totals:			20	40	



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

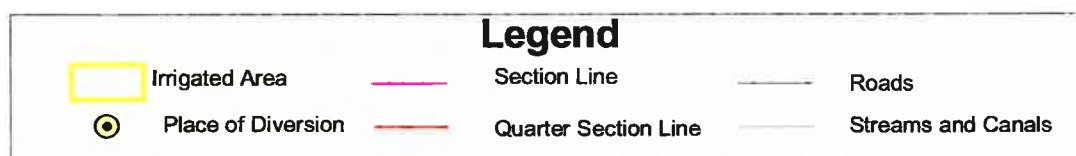
 Quarter Section Line

 Streams and Canals



Water Right Claim Number 22-07023A
Township , 5N40E

07/03/2001



400 0 400 800 Feet



SPATIAL
DYNAMICS



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 20, 1999

BLAINE SMITH
2082 W 5200 S
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-07023

Dear Mr. Smith:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-07023A, 0.40 cfs on 20 acres, Smith
A22-07023B, 0.40 cfs on 20 acres, Harding & Heiner

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Garry Smith

DELOG JT 11-19-98
DELOG GT 12-22-98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

NOV 18 1998

Department of Water Resources
Eastern Region

1. Water Right Number(s) _____
Adjudication Claim Number(s) A22-07023 ^A/_B
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent ~~DEED~~, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. ~~PLAT OF PROPERTY~~ or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Garry Smith and Sharon Smith
1829 meadowview Ave. Rexburg, ID 83440
4. New Owner/Claimant(s) Gale W. Harding / Dr. Craig Hein
Name connector (Check one) ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 761
City, State and ZIP Code Rexburg, ID 83440
New Telephone Number (208) 356-3700
5. Date you acquired the property Nov. 10, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 20 Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Gale W. Harding Date Nov. 10, 1998
Dr. Craig Hein Date Nov. 10, 1998
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



P.O. BOX 125 - REXBURG, IDAHO 83440

ALLIANCE

5-13027-2
ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

For Value Received

GARRY SMITH and SHARON SMITH, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto
just *Gale W. Harding and/or Judy Harding*

REED D. NORD

P. Craig Heiner and/or Debby Heiner
whose current address is

*P.O. Box 761
Rexburg, Idaho 83440*

the grantee(s), the following described premises, in **MADISON County IDAHO**, to wit:

THE W1/2 OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: November 9, 1998

Garry Smith
GARRY SMITH

Sharon Smith
SHARON SMITH

STATE OF ID, COUNTY OF MADISON
On this 10TH day of NOVEMBER, 1998
before me, a Notary Public in and for said State, personally
appeared

GARRY SMITH
SHARON SMITH

known to me to be the person(s) whose name(s)
subscribed to the within instruments and acknowledged to
me that they executed the same.

Alison Banta
Notary Public,
Residing at ST. ANTHONY, ID
Comm. Expires 11/23/99

ALISON BANTA
NOTARY PUBLIC, STATE OF IDAHO
COMMISSION EXPIRES: 11-23-99

Microfilm No. **275113**
Day **NOV 12 1998**
At 1006 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 3-50 Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-07023A
Date Received: 8/ 8/1988
Receipt No: X777777
Received By:

COPY FOR YOUR FILES	NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW	COPY FOR YOUR FILES
1. Name: BLAINE SMITH		208-356-3510
Address: 2082 WEST 5200 SOUTH		
REXBURG ID	83440	
AND/OR		
Name: GARRY SMITH		208-356-5240
Address: 1829 SOUTH MEADOWVIEW AVE		
REXBURG ID	83440	
2. Date of Priority:	JUN 26, 1969	
3. Source: GROUNDWATER	Trib. to:	
4. Point of Diversion:		
Township 05N	Range 40E	Section 19
		1/4 of 1/4 of 1/4 NW NW
		Lot
		County MADISON
5. Description of diverting works:		
WELL & PUMP TO SPRINKLER SYSTEM		
6. Water is used for the following purposes:		
Purpose	From	To
IRRIGATION	04/01	11/01
	C.F.S	(or) A.F.A.
	0.400	
7. Total Quantity Appropriated is:		
0.400 C.F.S. (and/or)		A.F.A.
8. Total consumptive use is		Acre Feet Per Annum.
9. Non-irrigation uses:		
10. Place of Use:		
Township 05N	Range 40E	Section 18
		1/4 of 1/4 SE SW
		Lot
		Use IRR
		Acres 20.0
A22-07023A	Page 1	Date: 01/15/99



10. Place of Use: Continued

Section Acres 20.0

Total Acres 20.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

CHANGE IN OWNERSHIP 1-15-99 GJT.

15. Basis of Claim: LICENSE